IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

WP(C).No. 5691 of 2007(C)

PETITIONER:

ROAD BUILDER (M) SDN BHD,
REPRESENTED BY PROJECT MANAGER AND POWER OF ATTORNEY HOLDER,
MOHD IDRIS ABDULLAH, BASE CAMP,
KANNAMPARIYARAM, MANKARA POST,
PALAKKAD DISTRICT.

BY ADV. SRI.SANTHEEP ANKARATH
SRI.K.P.SUDHEER

RESPONDENTS:
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1. **THE SUPERINTENDENT OF POLICE,**
   PALAKKAD.

2. **THE DEPUTY SUPERINTENDENT OF POLICE,**
   SHORANUR.

3. **THE CIRCLE INSPECTOR OF POLICE,**
   OTTAPALAM POLICE STATION, OTTAPALAM.

4. **V.I.ROY, S/O.ITHAPPIRI,**
   VADAKKEN HOUSE, KUMARAPURAM POST,
   ERNAKULAM.

BY ADV. SRI.ALEXANDER JOSEPH R4
GOVERNMENT PLEADER SRI. P.A SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO. 5691/2007 C

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE LEASE AGREEMENT DT. 22/1/2003 ENTRED INTO BETWEEN THE PETITIONER AND THE R4.

EXT.P2. COPY OF THE AGREEMENT DT. 14/11/2004.

EXT.P3. COPY OF THE SUPPLEMENTARY AGREEMENT DT. 18/3/2006.

EXT.P4. COPY OF THE LETTER OF INTENT DT. 26/12/2006 BY IJM (INDIA) INFRASTRUCTURE LTD. TO THE PETITIONER.

EXT.P5. COPY OF THE LETTER DT. 31/1/2007 BY THE PETITIONER TO R4.

EXT.P6. COPY OF THE LETTER DT. 30/1/2007 BY R4 TO THE PETITIONER.

EXT.P7. COPY OF THE PETITION DT. 13/2/2007 BY THE PETITIONER BEFORE THE POLICE AUTHORITIES.

EXT.P8. COPY OF THE MINUTES OF THE MEETING DT. 29/11/2006 WITH THE COVERING LETTER DT. 18/12/2006.

EXT.P9. COPY OF THE CONSENT TO OPERATE DT. 15/3/2005 BY THE KERALA STATE POLLUTION CONTROL BOARD.

EXT.P10. COPY OF THE LETTER DT. 2/3/2007 BY THE KERALA STATE POLLUTION CONTROL BOARD.

RESPONDENT'S EXHIBITS

EXT.R4A. COPY OF THE LETTER DT. 12/10/2006 BY THE DIVISIONAL OFFICER.

EXT.R4B. COPY OF THE FIR NO. 628/2005 DT. 28/12/2005.

EXT.R4C. COPY OF THE ATTACHMENT ORDER/NOTICE IN OS NO. 32/07 OF THE SUB COURT, OTTAPALAM.

EXT.R4D. COPY OF THE PLIANT IN OS NO. 91/07 OF THE MUNSIFF COURT, OTTAPALAM.

EXT.R4E. COPY OF THE PLAINT IN OS NO. 47/07 OF THE SUB COURT OTTAPALAM.

EXT.R4F. COPY OF THE MEMO DT. 27/3/2007.

true copy

tga.

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO. 5691 OF 2007

Dated this the 29th day of March, 2007.

JUDGMENT

Koshy, J.

This is a petition for police protection for removal of machineries of the petitioner. Contention of the 4th respondent is that amounts are due to it. It is further submitted that petitioner has not cleared the obligation with the Government. But in that case it is for the Government to take action 4th respondent cannot take law into his hands. Earlier there was an order of attachment of the machinery. Later it was submitted that order of attachment was vacated. It was submitted by the counsel for the 4th respondent that the order vacating the attachment was withdrawn. That submission was found to be not correct. As on today there is no attachment order and if there is any obstruction from 4th respondent or his supporters in removal of the machineries, the police should see adequate protection for removal of the machineries, unless there are prohibitory orders issued by statutory authorities or from the Court.

The Writ Petition is disposed accordingly.

J.B.KOSHY, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

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